

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Henry VanCleeef, EMT-Paramedic
Certificate Number: 247343

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

On June 14, 2006, the Complaint Review Panel ("Panel") of the Minnesota Emergency Medical Services Regulatory Board ("Board" or "EMSRB") initiated the above-entitled proceeding against Henry VanCleeef, EMT-Paramedic ("Respondent"), by service of a Notice of Petition and Petition to Suspend Certification.

The matter came on for consideration by the Board pursuant to Minnesota Statutes section 144E.28, subdivision 5(b) (2004), at a regularly scheduled meeting on September 21, 2006, convened in Conference Room A (fourth floor), University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

Rosellen Condon, Assistant Attorney General, appeared and presented oral argument on behalf of the Panel. Respondent was not present or otherwise represented at the meeting. However, Respondent did provide a written response. Nathan W. Hart, Assistant Attorney General, was present as legal advisor to the Board.

The following members of the Board were present: Brenda Brown; Lori Brown; Shannon Hanson; Megan Hartigan, R.N.; Laurie Hill; Robert Jensen; Mark Lindquist, M.D.; Kevin Miller; Michael Parrish; Mark Scoenbauer; and Marlys Tanner, R.N. As a member of the Panel, Megan Hartigan, R.N., did not participate in deliberations or vote in the matter.

Based on the record and the proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. On April 19, 2005, Respondent entered into an Agreement for Corrective Action with the Panel. One of the terms of the Agreement required Respondent to participate in the Health Professionals Services Program ("HPSP"). Respondent was required to schedule an appointment with HPSP within 30 days of the Agreement.

2. Respondent signed a Participation Agreement with HPSP on June 2, 2005. The Participation Agreement required Respondent to, among other things, abstain from alcohol and any other mood-altering chemicals and to submit to a minimum of six unscheduled toxicology screens per quarter at the request of HPSP.

3. On August 2, 2005, Respondent voluntarily withdrew from HPSP.

4. A Board staff member attempted to speak with Respondent several times about his withdrawal from HPSP but was unable to communicate with him.

5. On November 21, 2005, the Panel served Respondent with a Notice of Conference scheduling a conference for December 12, 2005, to discuss Respondent's withdrawal from HPSP. At the conference, Respondent told the Panel that the costs for toxicology screens created a financial hardship for him.

6. The Panel contacted HPSP officials and asked them to review the matter and consider ways to reduce costs for Respondent. HPSP responded by letter dated December 15, 2005, stating there were a number of options for Respondent.

7. On March 2, 2006, the Panel sent Respondent a proposed Stipulation and Order. Respondent signed it and the Stipulation and Order was adopted by the Board on April 13, 2006. It required Respondent to contact HPSP within ten days and follow all of its recommendations.

8. On May 22, 2006, HPSP discharged Respondent for noncooperation. He did not return the enrollment form and releases as requested.

9. On May 23, 2006, Respondent telephoned the Board and told Board staff that he would not participate in HPSP.

10. On June 14, 2006, the Panel served the Board and Respondent with a Notice of Petition and Petition to Suspend Certification with supporting documents in this matter. The Notice of Petition scheduled a hearing before the Board on July 20, 2006.

11. On June 15, 2006, in an effort at settlement, the Panel served Respondent with a Notice of Conference. The conference was scheduled for June 30, 2006. Respondent failed to attend the conference or notify the Panel he would not attend.

CONCLUSIONS

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 144E.28 and 144E.30 (2004).

2. Respondent was given timely and proper notice of the September 21, 2006, hearing before the Board and of his right under Minnesota Statutes section 144E.28, subdivision 5(b), to request a contested case hearing to be conducted in accordance with Minnesota Statutes chapter 14.

3. The Panel has complied with all relevant substantive and procedural requirements of statute and rule.

4. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.28, subdivision 5(4), in that he is actually or potentially unable to provide emergency medical services with reasonable skill and safety to patients by reason of illness or use of alcohol.

5. As a result of the violations set forth above and Respondent's failure to request a contested case hearing within 30 days of receipt of notice of his right to do so or at any time, the Board has the authority without further proceedings to take disciplinary action against

Respondent's EMT-B certification. Minn. Stat. §§ 144E.28, subds. 4 and 5, and 144E.30, subd. 3 (2004).

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following:

ORDER

1. Respondent's EMT-Basic certificate is **SUSPENDED**, effective immediately. At no time subsequent to the date of this Order shall Respondent engage in any act in Minnesota which constitutes practice as an emergency medical technician as defined in Minnesota Statutes sections 144E.001 and 144E.28, nor shall he in any manner represent or hold himself out as being authorized to so practice.

2. Not later than 7 (seven) days from the date of this Order, Respondent shall surrender and cause the Board to receive his current EMT-Paramedic certificate card.

3. Respondent may apply to the Board for reinstatement of his certification as an EMT-Paramedic not earlier than 6 (six) months from the date of this Order. Any such application shall be accompanied by:

a. The results of a chemical dependency evaluation administered to Respondent at his expense by a licensed provider since the date of this Order;

b. Evidence that Respondent has successfully completed or is successfully participating in any and all treatment indicated by the chemical dependency evaluation; and

c. Evidence of compliance with all applicable continuing education or training requirements under Minnesota Statutes section 144E.28, subdivisions 7 and 8.

4. Respondent shall appear before the Panel to review any application for reinstatement submitted pursuant to paragraph 3. The burden of proof shall be on Respondent to demonstrate that he is able to provide emergency medical services in a fit and competent manner without risk of harm to the public. The Board reserves the right to approve an application for

reinstatement only upon the imposition of conditions and limitations which the Board deems necessary to ensure public protection. Such conditions and limitations may include, but need not be limited to, restricted duties and practice supervision.

5. This Order is a public document.

The foregoing Findings of Fact, Conclusions, and Order constitute the Decision of the Board in this matter.

Dated this 12th day of October, 2006.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: 
MICHAEL PARRISH
Board Chair

AG: #1624369-v1